

San Francisco Administrative Code Chapter 49A

Residential Tenant Communications

Section 49A.1. PURPOSE AND FINDINGS

(Added by Ord. 9-04, App. 1/16/2004; Amended by Ord. No. 032-22, App. 4/11/22)

The Board of Supervisors finds that, particularly with the large proportion of rental units in the City and County of San Francisco, effective communications among tenants and between tenants and landlords is important to the ongoing vitality of the community. This Chapter 49A is intended to encourage and respect those channels for effective communication.

Section 49A.2. DEFINITIONS

(Added by Ord. 9-04, App. 1/16/2004; Amended by Ord. No. 032-22, App. 4/11/22)

For purposes of this Chapter 49A, the following definitions shall apply:

“Landlord” shall have the meaning set forth in Administrative Code Section 37.2. The term “landlord” includes landlord agents and representatives and employees, such as property managers and resident managers.

“Organizing Activities” shall mean 1) initiating contact with tenants, including by conducting door-to-door surveys, to ascertain interest in and/or seek support for forming a Tenant Association; 2) joining or supporting a Tenant Association; 3) distributing literature, requesting or providing information, offering assistance, convening meetings (which may occur without a landlord or landlord representative present), or otherwise acting on behalf of one or more tenants in the building regarding issues of common interest or concern. The term “Organizing Activities” shall include, but is not limited to, the operations of a Tenant Association. A person’s participation or failure to participate in Organizing Activities shall have no affect on whether that person qualifies as a tenant.

“Tenant” shall have the meaning set forth in Administrative Code Section 37.2.

“Tenant Association” shall mean a group specific to a building with five or more rental units that has a primary purpose of addressing housing conditions, community life, landlord-tenant relations, and/or similar issues of common interest or concern among tenants in the building.

Section 49A.3. NON-INTERFERENCE IN ORGANIZING ACTIVITIES

(Added by Ord. 9-04, App. 1/16/2004; Amended by Ord. No. 032-22, App. 4/11/22)

(a) A landlord may neither prohibit nor interfere with an occupant of a rental unit in a building, or a guest invited by an occupant, from using common areas in that building to engage in Organizing Activities.

(b) Distribution of literature may include hanging or otherwise placing literature on the door of tenant units, or where that is not possible as a practical matter then the literature may be placed on the floor in front of tenant units. Such literature placed on or in front of the door of a tenant unit must plainly include the name and telephone number and address of a distributor that the affected tenant may contact to opt out of future doorway distributions of such literature.

(c) The landlord may establish reasonable requirements as to the time, place, and manner of Organizing Activities, so long as the requirements would not effectively prohibit or substantially interfere with Organizing Activities.

(d) Lease agreements entered into or amended on or after January 1, 2022 may not waive a tenant’s right to engage in Organizing Activities as set forth in this Chapter 49A. Any

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provision of any lease agreement entered into or amended on or after January 1, 2022 that purports to waive a tenant's right to engage in Organizing Activities as set forth in this Chapter 49A shall be void as contrary to public policy.

Section 49A.4. TENANT ASSOCIATIONS

(Added by Ord. No. 032-22, App. 4/11/22)

(a) Tenants in a building may establish a Tenant Association for purposes of this Chapter 49A by providing their landlord a petition signed by tenants representing at least 50% of the occupied units in the building certifying that they desire to form a Tenant Association, and identifying the Tenant Association. For purposes of this subsection (a), a "petition" may include individual written statements signed by said tenants, or some combination of individual and collective written statements.

(b) Tenant Associations shall hold regular meetings open to all building residents, and shall elect officers to serve for two-year terms. An officer may continue to hold over after the expiration of their term unless a resident requests an election, in which case an election shall be held within 60 days.

(c) Landlords and Tenant Associations shall confer with each other in good faith regarding housing conditions, community life, landlord-tenant relations, and other issues of common interest or concern. Examples of conferring in good faith may include maintaining a designated point of contact, engaging in regular communications, responding to reasonable requests for information, allowing participation by non-resident advocates, and negotiating and putting agreements into writing. In addition, a landlord must on written request of a Tenant Association attend, either themselves or through their representative, at least one Tenant Association meeting per calendar quarter, though more frequent attendance at the request of the Tenant Association is permitted. These meetings shall occur at a mutually convenient time and place. To request that a landlord or their representative attend a meeting, the Tenant Association shall send the landlord a written request at least 14 days in advance; alternatively, if the Tenant Association meets at a regularly scheduled time and place, then the Tenant Association may send the landlord a single standing request to attend meetings for the duration of the calendar year.

(d) A Tenant Association shall remain operative so long as it continues to represent at least 50% of the occupied units in the building. Not more than once every three years, the landlord may request in writing that the Tenant Association recertify itself under the petition procedure set forth in subsection (a), in which case the Tenant Association shall have 60 days to recertify itself. If the Tenant Association does not timely recertify itself upon the landlord's request, it shall be temporarily suspended, and the requirements in this Section 49A.4 shall cease to apply, until such time, if any, as the Tenant Association is recertified, or another Tenant Association is certified in accordance with the requirements in this Section 49A.4.

(e) This Section 49A.4 shall not apply to buildings where the landlord is a non-profit organized under 26 U.S.C. 501(c)(3).

Section 49A.5. REGULATIONS; REMEDIES

(Added by Ord. No. 032-22, App. 4/11/22)

The Rent Board shall have authority to issue rules and regulations implementing this Chapter 49A. In addition, a tenant's right to engage in Organizing Activities, and to have

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Organizing Activities occur in their building, shall qualify as a “Housing Service” under Administrative Code Section 37.2(g). A landlord’s failure to comply with the requirements of this Chapter 49A, including but not limited to the requirements to confer with and attend the meetings of a Tenant Association in good faith as set forth in Section 49A.4, may support a petition for a substantial decrease in housing services pursuant to Administrative Code Section 37.8.

Section 49A.6. LIMITATIONS

(Added by Ord. 9-04, App. 1/16/2004; Retitled by Ord. No. 032-22, App. 4/11/22)

- (a) The provisions of this Chapter 49A are not applicable to purely commercial literature that is not directly related to the building tenancies.
- (b) The provisions of this Chapter 49A shall not be read to limit or replace residential tenant or landlord rights or remedies found in other ordinances, or in statutes or Constitutions.